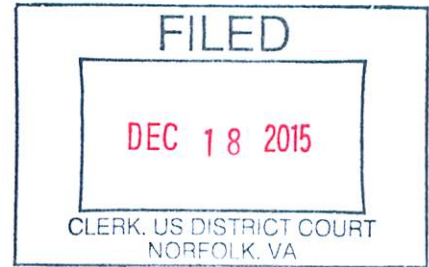


UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division



CURTIS ALLEN YOUNG,
Petitioner,

v.

ACTION NO. 2:14CV631

J. HOLLINGSWORTH, Warden, Ft. Dix
Respondent.

FINAL ORDER

Petitioner Curtis Allen Young ("Petitioner") filed a writ of habeas corpus under 28 U.S.C. Section 2241 seeking to vacate his conviction for felon in possession of a firearm (Count 6) and seeking resentencing on his other convictions, for which he is currently serving a total of 205 months in prison.

The matter was referred to a United States Magistrate Judge pursuant to the provisions of 28 U.S.C. Section 636(b)(1)(B) and (C) and Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia for report and recommendation. The Report of the Magistrate Judge recommends that the Court vacate Mr. Young's conviction and sentence on Count 6, charging him with being a felon in possession of a firearm, in case no. 2:01cr227, deny his request for resentencing, and confirm his eligibility for release as of the effective date of the Guidelines Amendment, November 1, 2015, in light of resentencing under a retroactive Guidelines amendment. ECF No. 14. By copy of the report, each party was advised of his right to file written objections to the findings and recommendations made by the Magistrate Judge. The Court received Mr. Young's objections to the Magistrate Judge's Report and Recommendation. ECF No. 15. The Court also received the Government's Response to the Petitioner's objections. ECF No. 16.

The Court, having reviewed the record and examined the objections filed by Mr. Young to the Magistrate Judge's Report and having made *de novo* findings with respect to the portions objected to, does hereby adopt and approve the findings and recommendations set forth in the Report of the United States Magistrate Judge, and it is, therefore, ORDERED that the petition is GRANTED IN PART. Accordingly, Mr. Young's conviction of felon in possession of a firearm in case no. 2:01cr227 is VACATED. Mr. Young's request for sentencing on the remaining charges is DENIED and the Court confirms Mr. Young's eligibility for release as of the effective date of the Guidelines Amendment, November 1, 2015.

Petitioner may appeal from the Judgment entered pursuant to this Final Order by filing a *written* notice of appeal with the Clerk of this Court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510, within sixty (60) days from the date of entry of such Judgment.

Petitioner has failed to demonstrate a substantial showing of the denial of a constitutional right. Therefore, the Court declines to issue any certificate of appealability pursuant to Rule 22(b) of the Federal Rules of Appellate Procedure. *See Miller-El v. Cockrell*, 123 S.Ct. 1029, 1039 (2003).

The Clerk shall provide an electronic copy of this Final Order to all counsel of record.



Arenda L. Wright Allen
United States District Judge

Norfolk, Virginia
Dec 17, 2015